

lengthy detention and a brief trial, during which not a single witness was called. She was arrested on espionage charges and linked to recently convicted business Professor Li Shaomin, who was recently ordered deported. Mrs. Gao was recently granted medical parole, due to a worsening heart condition and, as a precedent exists for this type of parole, it is my hope that Mr. Liu will be granted a similar clemency. Until such time, though, we must do all we can to fight for the safety, basic human rights, and release of Mr. Liu.

As you may know, the Senate has not stayed quiet on this matter. Along with several of my colleagues, I have signed on as a cosponsor to Senate Resolution 128, urging the release of Liu Yaping and other American permanent residents and U.S. citizens. However, despite the efforts of Congress, I believe that this is an issue best dealt with at higher diplomatic levels. As you know, this Saturday, Colin Powell will be arriving in China. Secretary Powell has expressed his frustration with the situation of Mr. Liu, and I hope that he will raise the issue of Liu Yaping's incarceration with the Chinese authorities. Although the Chinese government has indicated that it wishes to focus on the larger issues of trade and economic cooperation between our two countries, I feel that a frank discussion on human rights is an equal priority. I hope that such a discussion would lead to a better understanding of American concerns in this case specifically, and the eventual release of all prisoners wrongfully detained in China.

I feel strongly that the Chinese government must understand that detaining our citizens without due process will only exacerbate the diplomatic tensions between our two nations. By creating a climate of fear for those Chinese-American citizens who would otherwise seek to bring their expertise and knowledge back to their homeland, China is discouraging the flow of intellectual capital back into its countryside, and compromising any confidence on the part of the United States regarding pledged improvements in human rights.

I wish Secretary Powell well on his trip, and urge the Chinese government to release Mr. Liu. I have asked Secretary Powell to bring this case up specifically while in China. It is my sincere hope that this action will bear fruit, and this matter will soon be resolved. Hopefully, Mr. Liu will soon be at home again in Connecticut, safe, and in the company and care of his family.

#### MURDERS CANNOT GO UNPUNISHED

Mr. McCONNELL. Madam President, the murder of American citizens abroad is always a cause for concern, and I want to bring the attention of my colleagues to the killings of the Bytyqi brothers from New York City. Agron, Mehmet, and Yli were reportedly discovered in a mass grave in Petrovo

Selo, Serbia with their hands bound and gunshots wounds to their chests.

This heinous crime should be of particular concern to all of us. Not only were the Bytyqi brothers American citizens, but they were also of Albanian origin. We know well the brutal treatment of Albanians in Kosova and Serbia during the war. My heart goes out to all the victims and their families.

I recently wrote to Attorney General John Ashcroft asking for the Federal Bureau of Investigation to become involved in this case. Human rights workers and investigators, including from the United Nations, should assist in delivering justice to the Bytyqi family.

There are reports that the brothers were murdered by policemen. I know my colleagues will agree that the murder of Americans overseas cannot go unpunished. I will continue to closely follow developments in this case—as well as the continued detention of political prisoners in Serbian jails.

I ask that an article from the July 15th edition of the Washington Post detailing this crime appear in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 15, 2001]  
THREE AMERICANS FOUND IN SERBIAN MASS  
GRAVE SITE

(By R. Jeffrey Smith and Peter Fin)

PRISTINA, Yugoslavia, July 14—The three young American men had their hands tied with wire. Their heads were covered by black hoods, and they were dressed in civilian clothes. They were each shot at close range, and their bodies were dumped in a pit dug in the Yugoslav national forest near the Serbian town of Petrovo Selo.

The men—all brothers of ethnic Albanian origin—had worked with their father as painters and made pizzas on Long Island before going to fight in the Kosovo war with the so-called Atlantic Brigade, a group of about 400 Albanian Americans who volunteered to join the rebel Kosovo Liberation Army. But they disappeared into a Serbian prison 17 days after the end of NATO's bombing campaign against Yugoslavia in 1999, when hostilities had ceased.

For nearly two years, neither their family nor the U.S. government was able to learn their whereabouts. Then, last week, their bodies were discovered in a mass grave by Serbian police investigators. Together with officials of a Belgrade-based human rights group, the police have begun to assemble a picture of how the men, born in Illinois, lost their lives during the violence that raged in and around the Serbian province of Kosovo in the spring and summer of 1999.

Serbian officials and others monitoring the probe say the three—Yli, Agron and Mehmet Bytyqi, ethnic Albanians ages 24, 23 and 21 at the time of their death—appear to have been murdered by policemen. Their bodies were placed in the grave with 13 ethnic Albanians from Kosovo, not far from a special police training center 120 miles east of the capital of Belgrade. A second grave nearby contains 59 bodies, and investigators suspect they will find many other sites as they begin to probe the forest more carefully.

The Bytyqis are the first Americans to turn up in a Serbian mass grave. "Believe me, this is going to be a very important case for us," the U.S. chief of mission in Yugo-

slavia, William Montgomery, said in a telephone interview. "We need to get real information from the Yugoslav authorities. We are going to insist they do a full investigation."

Montgomery said he and other U.S. officials had sought information about the Bytyqis from the Yugoslav Foreign Ministry several times since Yugoslav President Slobodan Milosevic was ousted in October, but the ministry acknowledged only that the brothers had been imprisoned after the war ended.

Circumstantial evidence unearthed so far raises the possibility of a revenge slaying by policemen, possibly motivated by anger over the leading role that the United States played in pressing for Western intervention in Kosovo to halt human rights abuses committed by Yugoslav security forces against Kosovo's ethnic Albanian majority.

"They were killed because they were American citizens," said Bajram Krasniqi, a lawyer in Pristina, Kosovo's provincial capital, retained by the Bytyqi family to press for information about the case. "There were people in that prison who were in [the rebel army] . . . and they were eventually released. This is the only case where someone was arrested, taken to court, tried, released out of the prison and then executed."

"This crime was planned, ordered and conducted without any judicial act and it was done by Serbian officials in cooperation with officials at the prison," Krasniqi said. "Hopefully, the Serb authorities will now arrest these people and they will be brought to justice."

The men's mother, Bahrije Bytyqi, and their father, Ahmet Bytyqi, had moved their family from Illinois to Kosovo in 1979 and later separated. Ahmet moved to New York and Yli, Agron and Mehmet joined him one at a time when each turned age 17.

Bahrije was expelled from Kosovo during the war by security forces but later returned to the southern Kosovo city of Prizren. She has been distraught and sedated since learning last week of the discovery of her sons' bodies in Serbia, and could not be interviewed today. When her 22-year old son, Fatos, a resident of Prizren, was interviewed today, he initially lied about his brothers' wartime activities, later explaining he had been "advised" not to discuss their membership in the Atlantic Brigade.

But members of the brigade interviewed in New York said that the brothers had been enthusiastic—if naive—volunteers in the unit. They had different personalities: Yli was quiet, Agron an outgoing partier, Mehmet a hard worker. But all three left New York on the brigade's charter flight in the spring of 1999 and tried to join the same rebel unit—only to be told by rebel leaders that they had to fight separately.

"They had that youthfulness that exploded in their faces," said fellow rebel Arber Muriqui in New York.

In mid-June 1999, when NATO forces deployed inside Kosovo to police a cease-fire, the brothers escorted their mother back into the province. Roughly two weeks later, the brothers told Fatos they were going to Pristina. Their mission, he said, was to visit some ethnic Albanian friends from New York who had fought with the Atlantic Brigade.

Amid the postwar chaos—and seething tensions between ethnic Serbs and Albanians—they headed north in a Volkswagen Golf on June 26. An ethnic Roma neighbor of Bahrije's, Miroslav Mitrovic, has told the Belgrade-based Humanitarian Law Center, an independent group, that the three brothers offered him and two other Romas a ride out of Prizren and into southern Serbia, but Fatos says the brothers never mentioned the plan and he cannot confirm the tale.

There is a dispute between Fatos and Mitrovic over why the brothers did not have their U.S. passports with them on the journey; in any event, Fatos and the family lawyer say, the brothers carried other identification that clearly indicated they were American residents, including New York state driver's licenses. Around their necks, he said, were medallions bearing the seal of the Kosovo Liberation Army.

The brothers were detained at a Serbian checkpoint in the village of Merdare; the Romas were allowed to proceed, Mitrovic told the law center. A magistrate in the nearby town of Kursumlija sentenced them to at least 15 days in jail for illegally crossing the border between Serbia and Kosovo, a Serbian province. The next day—June 27—they were transferred to a prison in Prokuplje, in southern Serbia.

There, according to documents and testimony obtained by the law center, the three brothers were interviewed by a police inspector named Zoran Stakovic, whose specialty was cases involving foreign citizens. Four days before the end of their sentence, Stankovic came to the prison and told the warden to release them into his custody, the law center said it had learned.

Fatos said he was told by a prison official, whom the family bribed for information four months ago, that the three brothers were taken to the back door of the prison and handed over to two plainclothes police in the company of the uniformed patrolmen. They were driven away in the company of the uniformed patrolmen. They were driven away in a white car and never seen alive again.

Their family became so desperate that at one point they persuaded their lawyer, Krasniqui, to write a letter to Miloservic, pleading for information about her sons; their mother also went to the prison in Serbia to demand answers. "They were very hopeful that the boys would return because once they were in prison, Serb authorities would be aware that they are American citizens," and Marin Vulaj, vice chairman of the National Albanian American Council.

The law center made inquiries in August, September and October 1999, after Mitrovic contacted the center to express his own concern, but only received a copy of the brothers' prison release order.

"I was hoping they were alive," Fatos said. "We were very shocked. We had no idea how they could have gotten" to the mass grave site in Petrovo Selo. In a statement issued on Saturday, the law center demanded that the Serbian government "tell the mother the truth."

#### THE PACE OF JUDICIAL NOMINATIONS

Mr. LEAHY. Madam President, I was pleased that the Judiciary Committee was able to hold another confirmation hearing for judicial and executive branch nominees this week. Since the Senate was allowed to reorganize just before the July 4th recess, returned from that recess to reconvene on July 9 and then assigned members to committees on July 10, this was the fourth hearings on Presidential nominations that the Judiciary Committee has held in 2 weeks. I cannot remember any time in the last 6 years when the Judiciary Committee held four confirmation hearings in 2 weeks. Two of those hearings involved judicial nominees to the Courts of Appeals.

I appreciated that when Senators LOTT, BAUCUS, COCHRAN, and HUTCH-

INSON appeared before the Judiciary Committee to introduce nominees, they recognized that we were acting quickly. Likewise, the nominees who have appeared before the committee have recognized that we have been moving expeditiously and have thanked us for doing so. I appreciate their recognition of our efforts and their kind words.

Just last Friday we were able to confirm a number of judicial and executive nominations. We confirmed Judge Roger Gregory for a lifetime appointment to the U.S. Court of Appeals for the Fourth Circuit. This is a nominee who had waited in vain since June of last year for the Senate to act on his nomination. In the year that followed his nomination he was unable even to get a hearing from the Republican majority. This month, in less than 2 weeks the Judiciary Committee held that hearing, reported his nomination favorably to the Senate on a 19 to 0 vote and the Senate voted to confirm him by a vote of 93 to 1 vote. The supposed controversy some contend surrounded this nomination was either nonexistent or quickly dissipated.

In spite of the progress we have been making during the few weeks since the Senate was allowed to reorganize, in spite of the confirmation on Friday of three judicial nominations, include one to a Court of Appeals; in spite of the confirmation of two more Assistant Attorneys General for the Department of Justice, including the Assistant Attorney General in charge of the Civil Rights Division; in spite of the back-to-back days of hearings for the President's nominees to head the Drug Enforcement Administration and the Immigration and Naturalization Service on Tuesday and Wednesday of last week; despite our noticing a hearing for another Court of Appeals nominee and another Assistant Attorney General for this Tuesday; despite our having noticed expedited hearings on the nomination to be Director of the Federal Bureau of Investigation beginning next Monday; despite all these efforts and all this action, on Monday our Republican colleagues took to the Senate floor to change the tone of Senate debate on nominations into a bitterly partisan one. That was most unfortunate.

I regret that we lost the month of June to Republican objections to reorganization or we might have been able to make more progress more quickly. There was no secret about the impact of that delay at the time. Unfortunately, that month is gone and we have to do the best that we can do with the time remaining to us this year. This month the Judiciary Committee is holding hearings on the nominees to head the FBI, DEA and INS. In addition, we have held hearings on two more Assistant Attorneys General and the Director of the National Institute of Justice.

Just last Friday we were able to confirm Ralph Boyd, Jr. to serve as the

Assistant Attorney General to head the Civil Rights Division. Of course, the Republican majority never accorded his predecessor in that post, Bill Lann Lee, a Senate vote on his nomination in the 3 years that it was pending toward the end of the Clinton administration. Some of those now so publicly critical of the manner in which we are expediting consideration of President Bush's nominations to executive branch positions seem to have forgotten the types of unending delays that they so recently employed when they were in the majority and President Clinton was urging action on his executive branch nominations.

I noted last Friday that we have already acted to confirm six Assistant Attorneys General as well as the Deputy Attorney General, the Solicitor General and, of course, the Attorney General himself.

We have yet to receive a number of nominations including one for the No. 3 job at the Department of Justice, the Associate Attorney General. We have yet to receive the nomination of someone to head the U.S. Marshals Service. Even more disturbing, we have yet to receive a single nomination for any of the 94 U.S. Marshals who serve in districts within our States. We have yet to receive the first nomination for any of the 93 U.S. Attorneys who serve in districts within our States.

We have much work to do. The President has work to do. The Senate has work to do. That work is aided by our working together, not by the injecting the type of partisanship shown over the last 6 years when the Republican majority delayed action on Presidential nominees or the partisan rhetoric that was cast about on Monday. That may make for backslapping at Republican fundraisers, but it is counterproductive to the bipartisan work of the Senate.

In this regard, I am also extremely disappointed by the decision of the Republican Leadership to have all Republican Senators refuse to chair the Senate. I was one who suggested to Senator DASCHLE, Senator LOTT and others that we resume the practice of having Senators from all parties chair the Senate. That was a longstanding practice in the Senate and the practice when I first joined this body. It was our practice until fairly recently when a breach in Senate protocol led to the period in which only Senators from the majority party sat in the chair of the President of the Senate.

I thought that it sharing the chair was one of the better improvements we made earlier this year when we were seeking to find ways to lower the partisan decibel level and restore collegiality to the Senate. It was a good way to help restore some civility to the Senate, to share the authority and responsibility that comes with being a member of the Senate. I deeply regret that the Republican minority has chosen no longer to participate in this aspect of the Senate. I am disappointed, and fear this is another sign